

106TH CONGRESS  
2D SESSION

# H. R. 3983

To amend the Immigration and Nationality Act to promote a fairer and more efficient means for using highly skilled workers, to improve the collection and use of H-1B nonimmigrant fees, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2000

Mr. DREIER (for himself, Ms. LOFGREN, Mr. SMITH of Washington, Mr. DAVIS of Virginia, Mr. DOOLEY of California, Mr. ARMEY, Ms. ESHOO, Ms. DUNN, Mr. MORAN of Virginia, Mr. OXLEY, Mr. DOGGETT, Mr. SHAYS, Mr. KENNEDY of Rhode Island, Mr. SESSIONS, Mr. MENENDEZ, Mr. KNOLLENBERG, Mr. ROEMER, Mr. LINDER, Ms. MCCARTHY of Missouri, Mr. KOLBE, Ms. PELOSI, and Mrs. MORELLA) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Immigration and Nationality Act to promote a fairer and more efficient means for using highly skilled workers, to improve the collection and use of H-1B nonimmigrant fees, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Helping to Improve Technology Education and Achieve-  
 4 ment Act of 2000”.

5 (b) TABLE OF CONTENTS.—The table of contents of  
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROVISIONS RELATING TO EMPLOYMENT-BASED  
 IMMIGRATION

Sec. 101. Assuring fair distribution of employment-based visas.

Sec. 102. Internet recruitment.

Sec. 103. Application of Internet based technologies.

TITLE II—PROVISIONS RELATING TO H-1B NONIMMIGRANTS

Sec. 201. Temporary visa increase.

Sec. 202. Requiring filing of W-2 forms.

Sec. 203. Extension of authorized stay while adjudications are pending.

TITLE III—COLLECTION AND USE OF H-1B NONIMMIGRANT FEES

Sec. 301. Increase in fee on initial petitions.

Sec. 302. Use of fees for student loan forgiveness.

Sec. 303. Use of fees for upward bound.

Sec. 304. Use of fees for low income scholarship program.

Sec. 305. Use of fees for regional skills training alliances.

Sec. 306. Use of fees for administrative purposes.

Sec. 307. Effective date.

7 **TITLE I—PROVISIONS RELATING**  
 8 **TO EMPLOYMENT-BASED IM-**  
 9 **MIGRATION**

10 **SEC. 101. ASSURING FAIR DISTRIBUTION OF EMPLOYMENT-**  
 11 **BASED VISAS.**

12 (a) LIMITATION ON PER COUNTRY CEILING WITH  
 13 RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.—

1           (1) SPECIAL RULES.—Section 202(a) of the Im-  
2 migration and Nationality Act (8 U.S.C. 1152(a)) is  
3 amended by adding at the end the following new  
4 paragraph:

5           “(5) RULES FOR EMPLOYMENT-BASED IMMI-  
6 GRANTS.—

7           “(A) CERTAIN EMPLOYMENT-BASED IMMI-  
8 GRANTS NOT SUBJECT TO PER COUNTRY LIM-  
9 TATION IF ADDITIONAL VISAS AVAILABLE.—If  
10 the total number of visas available under para-  
11 graph (1), (2), (3), (4), or (5) of section 203(b)  
12 for a calendar quarter exceeds the number of  
13 qualified immigrants who may otherwise be  
14 issued such visas, the visas made available  
15 under that respective paragraph shall be issued  
16 without regard to the numerical limitation  
17 under paragraph (2) of this subsection during  
18 the remainder of the calendar quarter.

19           “(B) LIMITING FALL ACROSS FOR CERTAIN  
20 COUNTRIES SUBJECT TO SUBSECTION (e).—In  
21 the case of a foreign state or dependent area to  
22 which subsection (e) applies, if the total number  
23 of visas issued under section 203(b) exceeds the  
24 maximum number of visas that may be made  
25 available to immigrants of the state or area

under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).”.

(2) CONFORMING AMENDMENTS.—

(A) PER COUNTRY LEVELS FOR EMPLOYMENT-BASED IMMIGRANTS.—Section 202(a)(2) of such Act (8 U.S.C. 1152(a)(2)) is amended by striking “paragraphs (3) and (4)” and inserting “paragraphs (3), (4), and (5)”.

(B) SPECIAL RULES FOR COUNTRIES AT CEILING.—Section 202(e)(3) of such Act (8 U.S.C. 1152(e)(3)) is amended by striking “the proportion of the visa numbers” and inserting “except as provided in subsection (a)(5), the proportion of the visa numbers”.

(3) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(A) is the beneficiary of a petition filed under section 204(a) of such Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of such Act; and

1 (B) would be subject to the per country  
2 limitations applicable to immigrants under  
3 those paragraphs but for this paragraph,  
4 may apply for, and the Attorney General may grant,  
5 an extension of such nonimmigrant status until the  
6 alien's application for adjustment of status has been  
7 processed and a decision made thereon.

8 (4) EFFECTIVE DATE.—The amendments made  
9 by paragraphs (1) and (2) apply to calendar quar-  
10 ters beginning on or after October 1, 2000.

11 (b) RECAPTURE OF UNUSED EMPLOYMENT-BASED  
12 IMMIGRANT VISAS.—

13 (1) IN GENERAL.—Notwithstanding any other  
14 provision of law, the number of employment-based  
15 visas (as defined in paragraph (3)) made available  
16 for a fiscal year (beginning with fiscal year 2001)  
17 shall be increased by the number described in para-  
18 graph (2). Visas made available under this sub-  
19 section shall only be available in a fiscal year to em-  
20 ployment-based immigrants under paragraph (1),  
21 (2), or (3) of section 203(b) of the Immigration and  
22 Nationality Act.

23 (2) NUMBER AVAILABLE.—

24 (A) IN GENERAL.—Subject to subpara-  
25 graph (B), the number described in this para-

graph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas made available under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term “employment-based visa” means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

**SEC. 102. INTERNET RECRUITMENT.**

(a) IN GENERAL.—In carrying out any requirements under the Immigration and Nationality Act that requires

1 the Secretary of Labor to determine whether an employer  
2 has taken action to recruit United States workers, the Sec-  
3 retary of Labor shall take into account efforts undertaken  
4 through the Internet. If an employer uses exclusively the  
5 Internet as a tool to recruit, this shall not in itself be con-  
6 sidered to be unsatisfactory.

7 (b) VERIFICATION.—In carrying out subsection (a),  
8 the Secretary of Labor shall use the Internet to verify em-  
9 ployer recruitment efforts undertaken using that medium.

10 (c) APPLICATION.—Subsections (a) and (b) apply  
11 only in the case where the employer demonstrates that the  
12 employment position for which the worker was sought was  
13 posted for no less than 30 days on the Internet Web Site  
14 designated by the Secretary of Labor for the purpose of  
15 disseminating information about job opportunities.

16 **SEC. 103. APPLICATION OF INTERNET BASED TECH-**  
17 **NOLOGIES.**

18 (a) ESTABLISHMENT OF A TRACKING SYSTEM.—The  
19 Attorney General and the Secretary of Labor, not later  
20 than 1 year after the date of the enactment of this Act,  
21 in consultation with the Technology Advisory Committee  
22 established under subsection (c), shall establish an Inter-  
23 net web-based system, that will permit a person, employer,  
24 immigrant, or nonimmigrant who has filings with the At-  
25 torney General or such Secretary for any benefit under

1 the Immigration and Nationality Act, access to online in-  
2 formation about the processing status of the filing in-  
3 volved.

4 (b) FEASIBILITY STUDY FOR ON-LINE FILING AND  
5 IMPROVED PROCESSING.—

6 (1) ON-LINE FILING.—The Attorney General,  
7 in consultation with the Secretary of Labor, the Sec-  
8 retary of Commerce, and the Technology Advisory  
9 Committee under subsection (c), shall conduct a fea-  
10 sibility study on the on-line filing of the filings de-  
11 scribed in subsection (a). The study shall include an  
12 estimate of the timeframe and cost and shall con-  
13 sider other factors in implementing such a filing sys-  
14 tem, including the feasibility of fee payment on-line.

15 (2) EXAMINATION OF IMPROVED PROC-  
16 ESSING.—The study shall also include a review of  
17 computerization and technology of the Department  
18 of Labor and the Immigration and Naturalization  
19 Service relating to the immigration services and  
20 processing of filings related to immigrant services.  
21 The study shall examine how to meet the goal of  
22 achieving processing of 98 percent of filings for law-  
23 ful permanent resident status within 3 months of  
24 the date on which they are filed and 98 percent of



1 filings for nonimmigrant status within 1 month of  
2 the date on which they are filed.

3 (3) REPORT.—A report on the study under this  
4 subsection shall be submitted to the Committees on  
5 the Judiciary of the House of Representatives and  
6 the Senate not later than January 1, 2001.

7 (c) TECHNOLOGY ADVISORY COMMITTEE.—

8 (1) ESTABLISHMENT.—The Attorney General,  
9 the Secretary of Labor, and the Secretary of Com-  
10 merce shall jointly establish, not later than 30 days  
11 after the date of the enactment of this Act an advi-  
12 sory committee (in this section referred to as the  
13 “Technology Advisory Committee”) to assist them  
14 in—

15 (A) establishing the tracking system under  
16 subsection (a);

17 (B) conducting the study under subsection  
18 (b); and

19 (C) establishing a system to verify Internet  
20 recruitment described in section 102.

21 The Technology Advisory Committee shall be estab-  
22 lished after consultation with the Committees on the  
23 Judiciary of the House of Representatives and the  
24 Senate.

1           (2) COMPOSITION.—The Technology Advisory  
 2       Committee shall be composed of representatives  
 3       from high technology companies capable of estab-  
 4       lishing and implementing the system in an expedi-  
 5       tious manner, and representatives of persons who  
 6       may use the tracking system described in subsection  
 7       (a) and the on-line filing system described in sub-  
 8       section (b)(1).

9       **TITLE II—PROVISIONS RELAT-**  
 10       **ING TO H-1B NON-**  
 11       **IMMIGRANTS**

12       **SEC. 201. TEMPORARY VISA INCREASE.**

13       (a) IN GENERAL.—Section 214(g)(1)(A)(iv) of the  
 14       Immigration and Nationality Act (8 U.S.C.  
 15       1184(g)(1)(A)(iv)) is amended to read as follows:

16               “(iv) subject to paragraphs (5) and (6),  
 17               200,000 in each of fiscal years 2001, 2002, and  
 18               2003; and”.

19       (b) RESERVATION FOR INSTITUTIONS OF HIGHER  
 20       EDUCATION AND OTHER RESEARCH ORGANIZATIONS.—  
 21       Section 214(g) of the Immigration and Nationality Act (8  
 22       U.S.C. 1184(g)) is amended by adding at the end the fol-  
 23       lowing:

24               “(5) Of the number specified in paragraph (1)(A)(iv),  
 25       10,000 in each of fiscal years 2001, 2002, and 2003 shall

1 be reserved to provide nonimmigrant status to aliens with  
2 respect to whom a petition under section 214(c) has been  
3 filed by an employer that is—

4 “(A) an institution of higher education (as de-  
5 fined in section 101(a) of the Higher Education Act  
6 of 1965), or a related or affiliated nonprofit entity;  
7 or

8 “(B) a nonprofit research organization or a  
9 governmental research organization.”.

10 (c) RESERVATION FOR ALIENS WITH MASTER’S DE-  
11 GREE.—Section 214(g) of the Immigration and Nation-  
12 ality Act (8 U.S.C. 1184(g)), as amended by subsection  
13 (b), is further amended by adding at the end the following:

14 “(6) Of the number specified in paragraph (1)(A)(iv),  
15 60,000 in each of fiscal years 2001, 2002, and 2003 shall  
16 be reserved to provide nonimmigrant status to aliens who  
17 have attained a master’s or higher degree (or its equiva-  
18 lent).”.

19 (d) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

20 (1) IN GENERAL.—Notwithstanding section  
21 214(g)(1)(A)(ii) of the Immigration and Nationality  
22 Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number  
23 of aliens who may be issued visas or otherwise pro-  
24 vided nonimmigrant status under section  
25 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999

1 is increased by a number equal to the number of  
2 aliens who are issued such a visa or provided such  
3 status during the period beginning on the date on  
4 which the limitation in such section 214(g)(1)(A)(ii)  
5 is reached and ending on September 30, 1999.

6 (2) EFFECTIVE DATE.—Paragraph (1) shall  
7 take effect as if included in the enactment of section  
8 411 of the American Competitiveness and Workforce  
9 Improvement Act of 1998 (as contained in title IV  
10 of division C of the Omnibus Consolidated and  
11 Emergency Supplemental Appropriations Act, 1999;  
12 Public Law 105–277).

13 **SEC. 202. REQUIRING FILING OF W-2 FORMS.**

14 (a) IN GENERAL.—Section 212(n)(1) of the Immi-  
15 gration and Nationality Act (8 U.S.C. 1182(n)(1)) is  
16 amended by inserting after subparagraph (G) the fol-  
17 lowing new subparagraph:

18 “(H) The employer will, with respect to each  
19 employee who is an alien admitted or provided sta-  
20 tus as a nonimmigrant described in section  
21 101(a)(15)(H)(i)(b), annually submit to the Sec-  
22 retary of Labor a copy of the most recent statement  
23 under section 6051 of the Internal Revenue Code of  
24 1986. Such submission may be made by electronic  
25 means.”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) applies to applications described in section  
3 212(n)(1) of the Immigration and Nationality Act made  
4 on or after October 1, 2000, but only with respect to state-  
5 ments made under section 6051 of the Internal Revenue  
6 Code of 1986 on or after January 1, 2001.

7 **SEC. 203. EXTENSION OF AUTHORIZED STAY WHILE ADJU-**  
8 **DICATIONS ARE PENDING.**

9 (a) EXEMPTION FROM LIMITATION.—The limitation  
10 contained in section 214(g)(4) of the Immigration and Na-  
11 tionality Act (8 U.S.C. 1184(g)(4)) with respect to the du-  
12 ration of authorized stay shall not apply to any non-  
13 immigrant alien previously issued a visa or otherwise pro-  
14 vided nonimmigrant status under section  
15 101(a)(15)(H)(i)(b) of such Act on whose behalf a petition  
16 under section 204(b) of such Act to accord the alien immi-  
17 grant status under section 203(b) of such Act, or an appli-  
18 cation for adjustment of status under section 245 of such  
19 Act to accord the alien status under section 203(b) of such  
20 Act, has been filed, if 6 months or more have elapsed since  
21 the date of filing of a labor certification application on  
22 the alien's behalf, if required for the alien to obtain status  
23 under section 203(b) of such Act, or the filing of the peti-  
24 tion under section 204(b) of such Act.

1 (b) EXTENSION OF H1-B WORKER STATUS.—The  
 2 Attorney General shall extend the stay of an alien who  
 3 qualifies for an exemption under subsection (a) in 1-year  
 4 increments until such time as a final decision is made on  
 5 the application for the alien to obtain lawful permanent  
 6 residence.

7 **TITLE III—COLLECTION AND**  
 8 **USE OF H-1B NONIMMIGRANT**  
 9 **FEES**

10 **SEC. 301. INCREASE IN FEE ON INITIAL PETITIONS.**

11 Section 214(c)(9)(B) of the Immigration and Nation-  
 12 ality Act (8 U.S.C. 1184(c)(9)(B)) is amended by striking  
 13 “\$500 for each such petition.” and inserting “\$1,000 for  
 14 each petition under clause (i) and \$500 for each petition  
 15 under clause (ii) or (iii).”.

16 **SEC. 302. USE OF FEES FOR STUDENT LOAN FORGIVENESS.**

17 (a) AUTHORITY TO USE DEPOSITS.—Section  
 18 286(s)(2) of the Immigration and Nationality Act (8  
 19 U.S.C. 1356(s)(2)) is amended to read as follows:

20 “(2) USE OF FEES FOR STUDENT LOAN FOR-  
 21 GIVENESS.—33 percent of the amounts deposited  
 22 into the H-1B Nonimmigrant Petitioner Account on  
 23 and after October 1, 2000, shall remain available to  
 24 the Secretary of Education until expended to carry

1 out the student loan forgiveness program under sec-  
2 tion 428L of the Higher Education Act of 1965.”.

3 (b) PROGRAM.—Part B of title IV of the Higher Edu-  
4 cation Act of 1965 is amended by inserting after section  
5 428K (20 U.S.C. 1078–11) the following new section:

6 **“SEC. 428L. LOAN FORGIVENESS FOR MATHEMATICS AND**  
7 **SCIENCE TEACHERS.**

8 “(a) PURPOSE.—It is the purpose of this section to  
9 encourage more individuals to enter and stay in the field  
10 of teaching mathematics, science, and related fields.

11 “(b) PROGRAM.—

12 “(1) IN GENERAL.—The Secretary shall carry  
13 out a program of assuming the obligation to repay,  
14 pursuant to subsection (c), a loan made, insured, or  
15 guaranteed under this part or part D (excluding  
16 loans made under sections 428B and 428C or com-  
17 parable loans made under part D) for any new bor-  
18 rower after October 1, 1998, who—

19 “(A) has been employed as a full-time  
20 teacher of mathematics, science, or a related  
21 field for 3 consecutive complete school years in  
22 a school that qualifies under section  
23 465(a)(2)(A) for loan cancellation for Perkins  
24 loan recipients who teach in such schools;

25 “(B) is a fully qualified teacher; and

1           “(C) is not in default on a loan for which  
2           the borrower seeks forgiveness.

3           “(2) AWARD BASIS; PRIORITY.—

4           “(A) AWARD BASIS.—Subject to subpara-  
5           graph (B), loan repayment under this section  
6           shall be on a first-come, first-served basis and  
7           subject to the availability of appropriations.

8           “(B) PRIORITY.—The Secretary shall give  
9           priority in providing loan repayment under this  
10          section for a fiscal year to student borrowers  
11          who received loan repayment under this section  
12          for the preceding fiscal year.

13          “(3) REGULATIONS.—The Secretary is author-  
14          ized to prescribe such regulations as may be nec-  
15          essary to carry out the provisions of this section.

16          “(c) LOAN REPAYMENT.—

17          “(1) ELIGIBLE AMOUNT.—The amount of the  
18          Secretary may repay on behalf of any individual  
19          under this section shall not exceed—

20                 “(A) 80 percent of the sum of the principal  
21                 amounts outstanding of the individual’s quali-  
22                 fying loans at the end of 3 consecutive complete  
23                 school years of service described in subsection  
24                 (b)(1)(A);



1           “(B) an additional 10 percent of such sum  
2           at the end of each of the next 2 consecutive  
3           complete school years of such service; and

4           “(C) a total of more than \$10,000.

5           “(2) CONSTRUCTION.—Nothing in this section  
6           shall be construed to authorize the refunding of any  
7           repayment of a loan made under this part or part  
8           D.

9           “(3) INTEREST.—If a portion of a loan is re-  
10          paid by the Secretary under this section for any  
11          year, the proportionate amount of interest on such  
12          loan which accrues for such year shall be repaid by  
13          the Secretary.

14          “(4) DOUBLE BENEFITS PROHIBITED.—No bor-  
15          rower may, for the same service, receive a benefit  
16          under both this section and subtitle D of title I of  
17          the National and Community Service Act of 1990  
18          (42 U.S.C. 12601 et seq.). No borrower may receive  
19          a reduction of loan obligations under both this sec-  
20          tion and section 428J or 460.

21          “(d) REPAYMENT TO ELIGIBLE LENDERS.—The Sec-  
22          retary shall pay to each eligible lender or holder for each  
23          fiscal year an amount equal to the aggregate amount of  
24          loans which are subject to repayment pursuant to this sec-  
25          tion for such year.

1 “(e) APPLICATION FOR REPAYMENT.—

2 “(1) IN GENERAL.—Each eligible individual de-  
3 siring loan repayment under this section shall sub-  
4 mit a complete and accurate application to the Sec-  
5 retary at such time, in such manner, and containing  
6 such information as the Secretary may require.

7 “(2) CONDITIONS.—An eligible individual may  
8 apply for loan repayment under this section after  
9 completing the required number of years of quali-  
10 fying employment.

11 “(3) FULLY QUALIFIED TEACHERS.—An appli-  
12 cation for loan repayment under this section shall  
13 include such information as is necessary to dem-  
14 onstrate that the applicant—

15 “(A) if teaching in a public elementary or  
16 secondary school (other than as a teacher in a  
17 public charter school), has obtained State cer-  
18 tification as a teacher (including certification  
19 obtained through alternative routes to certifi-  
20 cation) or passed the State teacher licensing  
21 exam and holds a license to teach in such State;  
22 and

23 “(B) if teaching in—

24 “(i) an elementary school, holds a  
25 bachelor’s degree and demonstrates knowl-

1 edge and teaching skills in reading, writ-  
2 ing, mathematics, science, and other areas  
3 of the elementary school curriculum; or

4 “(ii) a middle or secondary school,  
5 holds a bachelor’s degree and demonstrates  
6 a high level of competency in all subject  
7 areas in which he or she teaches through—

8 “(I) a high level of performance  
9 on a rigorous State or local academic  
10 subject areas test; or

11 “(II) completion of an academic  
12 major in each of the subject areas in  
13 which he or she provides instruction.

14 “(f) EVALUATION.—

15 “(1) IN GENERAL.—The Secretary shall con-  
16 duct, by grant or contract, an independent national  
17 evaluation of the impact of the program assisted  
18 under this section.

19 “(2) COMPETITIVE BASIS.—The grant or con-  
20 tract described in subsection (b) shall be awarded on  
21 a competitive basis.

22 “(3) CONTENTS.—The evaluation described in  
23 this subsection shall—

1           “(A) determine the number of individuals  
2           who were encouraged by the program assisted  
3           under this section to pursue teaching careers;

4           “(B) determine the number of individuals  
5           who remain employed in a teaching mathe-  
6           matics, science, or related fields as a result of  
7           participation in the program;

8           “(C) identify the barriers to the effective-  
9           ness of the program;

10          “(D) assess the cost-effectiveness of the  
11          program; and

12          “(E) identify the number of years each in-  
13          dividual participates in the program.

14          “(4) INTERIM AND FINAL EVALUATION RE-  
15          PORTS.—The Secretary shall prepare and submit to  
16          the President and the Congress such interim reports  
17          regarding the evaluation described in this subsection  
18          as the Secretary deems appropriate, and shall pre-  
19          pare and so submit a final report regarding the eval-  
20          uation by January 1, 2004.

21          “(g) FUNDS FOR PROGRAM.—The Secretary shall  
22          carry out this section only with funds made available  
23          under section 286(s)(2) of the Immigration and Nation-  
24          ality Act.”.

1 (c) CONFORMING AMENDMENT.—Section 414 of the  
2 American Competitiveness and Workforce Improvement  
3 Act of 1998 (as contained in title IV of division C of the  
4 Omnibus Consolidated and Emergency Supplemental Ap-  
5 propriations Act, 1999; Public Law 105–277) is amended  
6 by striking subsection (c) and redesignating subsection (d)  
7 as subsection (c).

8 **SEC. 303. USE OF FEES FOR UPWARD BOUND.**

9 Section 286(s)(4) of the Immigration and Nationality  
10 Act (8 U.S.C. 1356(s)(4)) is amended to read as follows:

11 “(4) USE OF FEES FOR UPWARD BOUND.—17  
12 percent of the amounts deposited into the H–1B  
13 Nonimmigrant Petitioner Account on and after Oc-  
14 tober 1, 2000, shall remain available to the Sec-  
15 retary of Education until expended to carry out sec-  
16 tion 402C of the Higher Education Act of 1965, ex-  
17 clusively for the benefit of mathematics and science  
18 education projects.

19 **SEC. 304. USE OF FEES FOR LOW INCOME SCHOLARSHIP**  
20 **PROGRAM.**

21 (a) CHANGE IN PERCENTAGE ALLOCATED.—Section  
22 286(s)(3) of the Immigration and Nationality Act (8  
23 U.S.C. 1356(s)(3)) is amended—

24 (1) by striking “28.2 percent” and inserting  
25 “15 percent”; and

1           (2) by inserting “on and after October 1,  
2           2000,” after “Account”.

3           (b) PROGRAMMATIC CHANGES.—Section 414(c) of  
4 the American Competitiveness and Workforce Improve-  
5 ment Act of 1998 (as redesignated by section 302(c) of  
6 this Act) is amended—

7           (1) in paragraph (2)(B), by striking “Awards”  
8           and inserting “Subject to paragraph (3), awards”;  
9           and

10          (2) by amending paragraph (3) to read as fol-  
11       lows:

12           “(3) SCHOLARSHIP AMOUNT.—

13               “(A) IN GENERAL.—The amount of a  
14               scholarship awarded under this subsection shall  
15               be determined by the Director.

16               “(B) GENERAL LIMITATION.—Subject to  
17               subparagraph (C), the amount of such scholar-  
18               ship may not exceed \$2,500 per year.

19               “(C) INCREASE IN CASE OF PUBLIC SEC-  
20               TOR EMPLOYMENT.—

21               “(i) IN GENERAL.—In the case of a  
22               scholarship recipient who enters into an  
23               agreement described in clause (ii) the  
24               amount of such scholarship may be up to  
25               \$5,000 per year.

1                   “(ii) AGREEMENT.—The agreement  
 2                   described in this clause is an agreement  
 3                   between the Director and the scholarship  
 4                   recipient under which the recipient  
 5                   agrees—

6                   “(I) to work in a public sector  
 7                   position (as defined by the Director)  
 8                   for at least 3 years after the date of  
 9                   completion of the degree program for  
 10                  which the scholarship is awarded; or  
 11                  “(II) to repay the amount of the  
 12                  scholarship.”.

13 **SEC. 305. USE OF FEES FOR REGIONAL SKILLS TRAINING**  
 14 **ALLIANCES.**

15           (a) AUTHORITY TO USE DEPOSITS.—Section 286(s)  
 16 of the Immigration and Nationality Act (8 U.S.C.  
 17 1356(s)) is amended—

18           (1) by redesignating paragraphs (5) and (6) as  
 19           paragraphs (6) and (7); and

20           (2) by inserting after paragraph (4) the fol-  
 21           lowing new paragraph:

22           “(5) USE OF FEES FOR REGIONAL SKILLS  
 23           TRAINING ALLIANCES.—25 percent of the amounts  
 24           deposited into the H-1B Nonimmigrant Petitioner  
 25           Account on and after October 1, 2000, shall remain

1 available to the Secretary of Commerce until ex-  
2 pended to carry out subsections (d) and (e) of sec-  
3 tion 414 of the American Competitiveness and  
4 Workforce Improvement Act of 1998.”.

5 (b) PROGRAM AUTHORIZED.—Section 414 of the  
6 American Competitiveness and Workforce Improvement  
7 Act of 1998 (as amended by section 304 of this Act) is  
8 amended—

9 (1) in the section heading, by striking “**AND**  
10 **JOB TRAINING OF UNITED STATES WORKERS.**”  
11 and inserting “**, LOAN FORGIVENESS FOR MATH-**  
12 **EMATICS AND SCIENCE TEACHERS, UPWARD**  
13 **BOUND PROGRAM, AND REGIONAL SKILLS**  
14 **TRAINING ALLIANCES.**”; and

15 (2) by adding at the end the following new sub-  
16 sections:

17 “(d) SKILL GRANTS.—

18 “(1) AUTHORIZATION.—

19 “(A) IN GENERAL.—The Secretary of  
20 Commerce (in this subsection referred to as the  
21 ‘Secretary’), acting through the Director of the  
22 National Institute of Standards and Tech-  
23 nology, and in consultation with the Secretary  
24 of Labor, shall provide grants to eligible entities  
25 described in subparagraph (B) to assist such



1 entities to improve the job skills necessary for  
2 employment in specific industries.

3 “(B) ELIGIBLE ENTITIES DESCRIBED.—

4 “(i) IN GENERAL.—An eligible entity  
5 described in this subparagraph is a consor-  
6 tium that—

7 “(I) shall consist of representa-  
8 tives from not less than 10 businesses  
9 (or a nonprofit organization that rep-  
10 resents not less than 10 businesses);  
11 and

12 “(II) may consist of representa-  
13 tives from labor organizations, State  
14 and local government, and educational  
15 institutions.

16 “(ii) MAJORITY OF REPRESENTA-  
17 TIVES.—A majority of the representatives  
18 comprising the consortium shall be rep-  
19 resentatives described in clause (i)(I).

20 “(iii) ADDITIONAL REQUIREMENT.—  
21 To the maximum extent practicable, each  
22 business, organization, or government that  
23 forms an eligible entity under clause (i)—

1 “(I) shall be located in the same  
2 geographic region of the United  
3 States; and

4 “(II) shall coordinate their pro-  
5 grams with existing State, local, and  
6 regional training plans and economic  
7 development strategies to the max-  
8 imum extent practicable.

9 “(C) PRIORITY FOR SMALL BUSINESSES.—  
10 In providing grants under subparagraph (A),  
11 the Secretary shall give priority to an eligible  
12 entity if a majority of representatives forming  
13 the entity represent small-business concerns, as  
14 described in section 3(a) of the Small Business  
15 Act (15 U.S.C. 632(a)).

16 “(D) MAXIMUM AMOUNT OF GRANT.—The  
17 amount of a grant provided to an eligible entity  
18 under subparagraph (A) may not exceed  
19 \$1,000,000 for any fiscal year.

20 “(2) APPLICATION.—

21 “(A) IN GENERAL.—The Secretary may  
22 not provide a grant under this subsection to the  
23 eligible entity unless such entity submits to the  
24 Secretary an application at such time, in such

1 manner, and containing such information as the  
2 Secretary may reasonably require.

3 “(B) CERTAIN STATES WITH MULTIPLE  
4 CONSORTIA.—In a State in which 2 or more eli-  
5 gible entities seek grants under this subsection  
6 for a fiscal year, as determined by the Governor  
7 of the State, the Governor may solicit proposals  
8 from the entities concerning the activities to be  
9 carried out under the grants. If the Governor  
10 solicits such proposals, based on the proposals  
11 received, the Governor shall submit an applica-  
12 tion on behalf of 1 or more of the entities to  
13 the Secretary at such time, in such manner,  
14 and containing such information as the Sec-  
15 retary may reasonably require. The provisions  
16 of this subsection relating to eligible entities  
17 shall apply to each of the entities for which the  
18 Governor applies.

19 “(3) USE OF AMOUNTS.—

20 “(A) IN GENERAL.—The Secretary may  
21 not provide a grant under this subsection to an  
22 eligible entity unless such entity agrees to use  
23 amounts received from such grant to improve  
24 the job skills necessary for employment by busi-

1           nesses in the industry with respect to which  
2           such entity was established.

3           “(B) CONDUCT OF PROGRAM.—

4           “(i) IN GENERAL.—In carrying out  
5           the program described in subparagraph  
6           (A), the eligible entity may provide for—

7                   “(I) an assessment of training  
8                   and job skill needs for the industry;

9                   “(II) development of a sequence  
10                  of skill standards that are  
11                  benchmarked to advanced industry  
12                  practices;

13                  “(III) development of curriculum  
14                  and training methods;

15                  “(IV) purchase, lease, or receipt  
16                  of donations of training equipment;

17                  “(V) identification of training  
18                  providers;

19                  “(VI) development of apprentice-  
20                  ship programs;

21                  “(VII) development of training  
22                  programs for dislocated workers;

23                  “(VIII) development of the mem-  
24                  bership of the entity;

1 “(IX) provision of training pro-  
2 grams for workers; and

3 “(X) development of training  
4 plans for businesses.

5 “(ii) ADDITIONAL REQUIREMENT.—In  
6 carrying out the program described in sub-  
7 paragraph (A), the eligible entity shall pro-  
8 vide for development and tracking of per-  
9 formance outcome measures for the pro-  
10 gram and the training providers involved  
11 in the program.

12 “(C) ADMINISTRATIVE COSTS.—The eligi-  
13 ble entity may use not more than 10 percent of  
14 the amount of a grant to pay for administrative  
15 costs associated with the program described in  
16 subparagraph (A).

17 “(4) REQUIREMENT OF MATCHING FUNDS.—  
18 The Secretary may not provide a grant under this  
19 subsection to an eligible entity unless such entity  
20 agrees that—

21 “(A) it will make available non-Federal  
22 contributions toward the costs of carrying out  
23 activities under paragraph (3) in an amount  
24 that is not less than \$2 for each \$1 of Federal

1 funds provided under a grant under this sub-  
2 section; and

3 “(B) of such non-Federal contributions,  
4 not less than \$1 of each such \$2 shall be from  
5 businesses participating in the eligible entity.

6 “(5) LIMIT ON ADMINISTRATIVE EXPENSES.—  
7 The Secretary may use not more than 6 percent of  
8 the funds made available to carry out this subsection  
9 to pay for Federal administrative costs associated  
10 with making grants under this subsection and to de-  
11 velop and maintain an electronic clearinghouse of in-  
12 formation on projects undertaken by eligible entities  
13 under this subsection.

14 “(6) FUNDING.—The Secretary shall carry out  
15 this subsection with funds made available under sec-  
16 tion 286(s)(5) of the Immigration and Nationality  
17 Act (8 U.S.C. 1356(s)(5)).

18 “(e) PLANNING GRANTS.—

19 “(1) AUTHORIZATION.—

20 “(A) IN GENERAL.—The Secretary of  
21 Commerce, acting through the Director of the  
22 National Institute of Standards and Tech-  
23 nology, and in consultation with the Secretary  
24 of Labor, shall provide grants to States to en-  
25 able the States to assist businesses, organiza-

1           tions, and agencies described in subsection  
2           (d)(1)(B) in conducting planning to form con-  
3           sortia described in such subsection.

4           “(B) MAXIMUM AMOUNT OF GRANT.—The  
5           amount of a grant provided to a State under  
6           subparagraph (A) may not exceed \$500,000 for  
7           any fiscal year.

8           “(2) APPLICATION.—The Secretary of Com-  
9           merce may not provide a grant under this subsection  
10          to a State unless such State submits to the Sec-  
11          retary an application at such time, in such manner,  
12          and containing such information as the Secretary  
13          may reasonably require.

14          “(3) REQUIREMENT OF MATCHING FUNDS.—  
15          The Secretary may not provide a grant under this  
16          subsection to a State unless such State agrees that  
17          it will make available non-Federal contributions to-  
18          ward the costs of carrying out activities under this  
19          subsection in an amount that is not less than \$1 for  
20          each \$1 of Federal funds provided under a grant  
21          under this subsection.

22          “(4) FUNDING.—The Secretary shall carry out  
23          this subsection with funds made available under sec-  
24          tion 286(s)(5) of the Immigration and Nationality  
25          Act (8 U.S.C. 1356(s)(5)).”.

1 **SEC. 306. USE OF FEES FOR ADMINISTRATIVE PURPOSES.**

2 Section 286(s) of the Immigration and Nationality  
3 Act (8 U.S.C. 1356(s)), as amended by section 305(a),  
4 is further amended—

5 (1) in paragraph (6)—

6 (A) by striking “1.5 percent” and inserting  
7 “2 percent”; and

8 (B) by inserting “on and after October 1,  
9 2000,” after “Account”; and

10 (2) in the second sentence of paragraph (7)—

11 (A) by striking “3 percent” and inserting  
12 “4 percent” each place it appears; and

13 (B) by inserting “on and after October 1,  
14 2000,” after “Account”.

15 **SEC. 307. EFFECTIVE DATE.**

16 The amendments made by this title apply to fees col-  
17 lected under section 214(c)(9)(A) of the Immigration and  
18 Nationality Act (8 U.S.C. 1184(c)(9)(A)) with respect to  
19 petitions filed on and after October 1, 2000.

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